

**CITY GOVERNMENT
OFFICIAL PROCEEDINGS OF CITY COUNCIL
SAVANNAH, GEORGIA
MAY 16, 2013**

The regular meeting of Council was held this date at 2:00 P.M. in the Council Chambers of City Hall. The Invocation was given by Commander John Parker of Post 500, followed by the Pledge of Allegiance to the Flag. Upon motion of Alderman Johnson, seconded by Alderman Hall and unanimously carried the summary/final minutes of the City Council work session/City Manager's briefing of May 2, 2013 and the City Council summary/final minutes of May 2, 2013 were approved.

PRESENT: Mayor Edna B. Jackson, Presiding
Mayor Pro-Tem Van R. Johnson, II
Alderman Tony Thomas, Chairman of Council
Alderman Mary Osborne, Vice-Chairman of Council
Aldermen Mary Ellen Sprague, John Hall, Estella Shabazz
and Tom Bordeaux

City Manager Stephanie Cutter
City Attorney W. Brooks Stillwell
Assistant City Attorneys William W. Shearouse & Lester B. Johnson, III

ABSENT: Alderman Carol Bell (attending NLC/WIMG Meeting)

PRESENTATIONS

An appearance by Doug Andrews, Chairman of the Veterans Council of Chatham County, and Allen Harvey, President of the Vietnam Veterans of America Chapter 671, to present to the City of Savannah the POW-MIA Flag, which will proudly be displayed in City Council Chambers so that our citizens shall never forget our nation's military personnel taken as prisoners of war or listed as missing in action. Mr. Andrews introduced Veterans Jack Grumet, VFW Commander 3392, Bob Letcher, American Legion Commander Post 195 Doug Quinan, Post 184, John Parker, Post 500 and James Vaughn, Veteran of the Year 2012-2013 and World War II Heroes Doug Richards and Marvin Brown. Mr. Andrews gave the history of the POW/MIA flag and thanked the Mayor and Alderman for allowing them to fly it in Council Chambers. Susie Stevens-Harvey gave information about what she has learned about the recovery efforts of her brother missing since 1967. She believes "dying for freedom isn't the worst thing that can happen, being forgotten is." Alan Harvey, President Chapter 671 invited everyone to attend the Memorial Day Program to remember all those who have given their lives in defense of our Nation on May 26, 2013 at the Vietnam Veterans Memorial Emmet Park on Bay Street beginning at 6:30 p.m. Mr. Andrews presented a Certificate of Commendation to the Mayor and Council for recognizing those in service. Mayor Jackson said the Council has been working with the organization to make it into a reality. Originally the flag was supposed to be flown over City

Hall but because the steeple is so high the flag would have become tattered in a short period of time. The placement of the flag in Council Chambers makes everyone aware that we are still hoping that all MIA/POW will return home even if it's just the remains to bring closure to the many families. She thanked the Veterans for all they've done not only for the nation but for the City of Savannah.

An appearance by Howard Morrison, Organizer, Mark V. Smith, Chairman of the Georgia International and Maritime Trade Center Authority, Robert H. Coffey, General Manager of the Georgia International and Maritime Trade Center Authority, Christy Crisp, Director of Programs for the Georgia Historical Society, and Michael Jordan, President of Cosmos Mariner Productions, to receive a proclamation designating May 22, 2013 as "S.S. James Oglethorpe and the Battle of the Atlantic Day" in Savannah. Mr. Coffey introduced Michael Jordan and Christy Crisp. Mr. Coffey spoke about the Battle of the Atlantic during World War II. At the intersection of President Street and Washington Ave at the left towards the River is the old Southeastern Ship Building Corporation along with a similar yard in Brunswick launched 88 Liberty Ships. Towards the right is Pine Gardens built by Southeastern ship building to house the Shipyard workers and their families. The first ship launched was the namesake of Savannah's Founder James Oglethorpe and she was one of the first casualties of the Battle of the Atlantic. Mr. Jordan this is a dream come true, started working on a documentary a few years ago called Ships for Victory. He gave a brief history of the Liberty ships and informed everyone that 40,000 plus Savannahians worked every day on the shipyard including Former City Attorney Blackburn. He invited everyone to come to the ceremony on May 22, 2013 at 5:30 p.m. at the Trade Center. Ms. Crisp the Georgia Historical Society is very pleased to be a part of this project. The Georgia Historical Marker program tries to convey that the story of the S.S. James Oglethorpe is not only a great Savannah story but a great Georgia story. She thanked the Mayor and Alderman for their approval for the location of the marker and the support given to the program. Alderman Osborne read the Proclamation. Mayor Jackson encouraged everyone to go to the program.

An appearance by Luciana Spracher, Director of the City's Research Library and Municipal Archives, to present the new "*S. S. James Oglethorpe*" Council Chamber exhibit in honor of the 70th anniversary of the *Oglethorpe* and commemorating Savannah's Liberty ships. Ms. Spracher pointed out the new exhibit that will be on display for public viewing through the end of the year. She thanked 3 families who loaned materials for the exhibit for their support and contributions: Dorothy Von Dolteren Wise, daughter of Anthony Joseph Von Dolteren, who helped build the S.S. *James Oglethorpe* and then signed on to the crew as a utility man and was lost with the ship. Lynette Lewis Williams, daughter of Raymond V. Lewis, who was a welder at Southeastern shipyards and Cynthia Dix, the niece of Danny A. Dix, an oiler on the S.S. *James Oglethorpe* who lost his life when it was sunk. Monthly tour of each month at 12 there is a tour of City Hall. Mayor Jackson thanked everyone that gave artifacts for the display

An appearance by Natasha David, a lupus advocate representing the Georgia Chapter of the Lupus Foundation to receive a proclamation designating the month of May 2013 as "Lupus Awareness Month" in Savannah. Mrs. David introduced herself and husband Derek David and gave a brief history of lupus. She thanked the Mayor and Alderman for backing her and for the support being given to the Lupus Foundation. Mayor Jackson stated she also knows people with lupus and is pleased that Mrs. David wanted the City of Savannah to be a part of the

commemoration during the month of May. Alderman Johnson read the Proclamation and presented it to Mr. & Mrs. David.

A presentation by Bureau Chief Joe Shearouse designating Savannah, for the fourth straight year, as a Playful City USA. Mr. Barry Baker from the Leisure Service Department greeted everyone and stated Mr. Shearouse could not make it to the meeting. Mr. Baker introduced Jim Shirley, Buildings and Grounds Maintenance Administrator who is responsible for maintaining the 57 playgrounds, Shirley Smith, Management Projects Coordinator, responsible for submitting the application and Edith Crawford, Parks and Recreation Services Program Coordinator, responsible for running the day to day supervised playground programs throughout the community which promote healthy fitness for children. Mr. Baker said this is the 4th year in a row the City of Savannah has received this award and thanked the Mayor, Council and City Manager for the continued funding of the Place Places funds. New playground equipment has just been installed at Savannah Gardens Phases I&II. 217 cities are recognized 9 being in Georgia. The program shows the commitment to the city to have places to encourage our youth to be active. All playgrounds are funded through the city and there is a program to install replacement equipment when necessary. Mayor Jackson stated Playful Cities came to Savannah as a result of City Council members attending the National League of Cities and seeing the offerings that come as a result of being involved, she thanked Mr. Baker and staff for all their hard work. Alderman Osborne attended the 84th Annual Public Health Conference where the Commissioner of Public Health and Governor Deal signed an agreement stating they would like to have 30 minutes of exercise particularly for all school children, high school does not have that kind of affordability anymore. She challenged the recreation facilities to make sure there is at least 30 minutes a day of exercise at each center to promote awareness for all types of health issues.

An appearance by the Savannah Youth Council to thank City Council for the opportunity to participate in the program. Raven Williams 2012-2013 President of the SYC who attends Garrison School of Visual and Performing Arts. On May 22, 2013, 30 SYC members will be graduating from the program. She thanked the Mayor and City Council for their time and support of the program which focuses on leadership development, learning more about the city government and community service projects. They have participated in the Rock and Roll Marathon, the annual Mayor's Motorcade at Georgia Regional, the Citywide canned food drive for Second Harvest and recently collected jars of peanut butter for them as well. She thanked Council for holding the Youth Summit where hundreds of youth gathered and adults listened to what they had to say about shaping the future of the community. In addition she acknowledged and thanked their advisors Ms. Pauline Haywood, Community and Economic Development, Ms. Hilda Stevenson-Stewart, IT Department and Ms. Carolyn Williams, Community Planning and Development. Lucy Hutchinson, Assistant Secretary and student at Blessed Sacrament Catholic School. She attended the National League of Cities Conference in Boston, MA in November with other SYC students and learned a great deal about the city and had the pleasure of meeting with other representatives from various youth councils across the United States. Other highlights were listening to Mr. Joe Garlet, Douglas Scarborough and Mayor A.C. Warden and attended a Boston Celtics game and went shopping. Raven Wilson, Secretary and student at Blessed Sacrament Catholic School attended Savannah Chatham Day in Atlanta at the State Capitol with other SYC members. While there they had the pleasure of meeting with some Council members as well as Lester Jackson and learned about his role as a State Senator, briefly meeting with Governor Nathan Deal and taking a photo which was shown on the local news stations, and met with City Manager Stephanie Cutter. They toured the Titanic and were given

boarding passes from actual passengers and assumed the role of the passenger. She thanked Council for making the trip possible for the SYC students. A'Ishah Watkins, student at Coastal Middle School was one of 5 members that accompanied the Chatham County Youth Commission to their annual Legislative trip to Washington, DC in March where they toured Mt. Vernon and learned about the life and legacy of the first President of the United States, visited the National Aquarium in Baltimore, MD, a Washington Wizards Basketball game, the 9/11 Memorial in New York and learned a valuable lesson while in Chinatown, never to take the first offer given but negotiate. She thanked Alderman Johnson for planning the trips to the various locations and also thanked Mayor Jackson and all members of Council the opportunity and all the support given to her and fellow members of SYC. Mayor Jackson stated she was extremely proud of the Youth Council she commended Alderman Johnson, Carliss Bates and other advisors for the amount of time they spend with the youth. She thanked the students in SYC and CCYC for assisting with making the Youth Summit a great success of the Youth Summit. She would like the students to come before Council after taking the various trips to present reports to get other youth in the City involved in joining. This group started out as a vision of Alderman Johnson and has grown to be one of the most distinguished groups in the community. She thanked the parents of the students for allowing them to be a part of the group and for bringing them to Council.

LEGISLATIVE REPORTS

ALCOHOLIC BEVERAGE LICENSE HEARINGS

As advertised hearing was held on a petition of Ivan Lenoir for Diamond Taps Enterprises, LLC t/a World of Beer, Savannah, requesting to add a liquor (drink) license to an existing 2013 beer and wine (drink) license at 112 W. Broughton Street, which is located between Barnard Street and Whitaker Street in District 1. (Existing business/owner) **Recommend approval.**

Alderman Bordeaux: Do you speak the English language?

Mr. Lenoir: Of course.

Alderman Bordeaux: Do you understand that an alcoholic beverage license is a privilege and requires certain responsibilities to be met by you and your business?

Mr. Lenoir: Absolutely.

Alderman Bordeaux: Do you understand if you do not meet those privileges your license will be revoked, causing a lot of people to lose their jobs?

Mr. Lenoir: Absolutely.

Alderman Bordeaux: We will be watching you.

Upon a motion by Alderman Johnson, seconded by Alderman Hall and unanimously carried the hearing was closed.

Upon a motion by Alderman Johnson, seconded by Alderman Sprague and unanimously carried.

As advertised hearing was held on a petition of Jitendrakumar G. Patel for G Dada-1, Inc., requesting to transfer a beer and wine (package) license at 8408 White Bluff Road from Pravin Patel, which has a 2013 beer and wine (package) license and is located between Montgomery Cross Road and Seneca Road in District 4. (New ownership/management) **Recommend approval.**

Alderman Bordeaux: Do you speak the English language and understand it?

Mr. Patel: Yes, sir.

Alderman Bordeaux: Do you understand that getting this license will permit you to conduct the sale of certain beverages in this city and that this license is a privilege?

Mr. Patel: Yes, sir.

Alderman Bordeaux: Do you understand if you do not meet the responsibilities you will endanger that license and possibly lose the license?

Mr. Patel: Yes, sir.

Alderman Bordeaux: Do you understand if you lose the license it will cause people to lose their jobs and revenue?

Mr. Patel: Yes, sir.

Alderman Hall: What time do you start serving alcohol on Sunday?

Mr. Patel: 12:30 p.m.

Alderman Hall: Thank you.

Upon a motion by Alderman Johnson, seconded by Alderman Osborne and unanimously carried the hearing was closed.

Upon a motion by Alderman Osborne, seconded by Alderman Johnson and unanimously carried.

As advertised hearing was held on a petition of Sergio Arturo Calderon for Tequila's Town Mexican Restaurant, Inc. t/a Tequila's Town Mexican Restaurant, Inc., requesting a liquor, beer and wine (drink) license with Sunday sales at 109 Whitaker Street, which had a 2012 beer (drink) license and is located between State and Broughton Streets in District 1. (New ownership/management) Recommend approval.

Alderman Bordeaux: Is this your only alcohol license in Savannah?

Mr. Calderon: Yes, sir.

Alderman Bordeaux: Do you understand the English language?

Mr. Calderon: Yes, sir.

Alderman Bordeaux: Do you understand getting this license is a privilege?

Mr. Calderon: Yes, sir.

Alderman Bordeaux: Do you understand along with that privilege comes some responsibilities to follow the law, maintain the appearance of the location and keep rowdy patrons away?

Mr. Calderon: Yes, sir.

Alderman Bordeaux: Do you understand if you do not meet those responsibilities this Council will take the license away from you and hurt your revenue and put a lot of people out of work?

Mr. Calderon: Yes, sir.

Alderman Bordeaux: Do you understand if you're ever called to come before Council you may want to have a lawyer represent you?

Mr. Calderon: Yes, sir.

Alderman Hall: What time do you close Monday through Friday?

Mr. Calderon: 10:00 p.m.

Alderman Hall: What is the latest you can stay open?

Mr. Calderon: 11:00 p.m., we try to close at 10 p.m. but if we have a party we close at 11 p.m.

Alderman Hall: Ms. Jones can you answer that for me? What is the latest he can stay open?

Ms. Jones: The latest he can stay open is 2:55 a.m.

Alderman Hall: Did you know that? That goes back to the question Alderman Bordeaux asked you, do you understand English and what we're asking?

Mr. Calderon: Yes, sir.

Alderman Hall: What time do you open on Sunday?

Mr. Calderon: Noon.

Alderman Sprague: Isn't the City's policy 12:30?

Mayor Jackson: You can open for food but not for drinks.

Upon a motion by Alderman Hall, seconded by Alderman Sprague and unanimously carried the hearing was closed.

Upon a motion by Alderman Johnson, seconded by Alderman Sprague and unanimously carried.

Alderman Johnson: I agree the questions Alderman Bordeaux are asking are pertinent, are they part of the application as well or could they become part?

Mayor Jackson: I think they are very pertinent but I also think there is a need for an explanation because sometimes applicants have other people assisting them with the completion of the application so it gives us a true picture of the understanding.

Alderman Osborne: I agree with Alderman Johnson as well. If any of the information particularly the hours of operation that Alderman Hall is asking is added to be a part of the application or some of the questions Alderman Bordeaux is asking it would eliminate some of the time but does not exclude the person from coming before Council.

As advertised hearing was held on a petition of Walter S. Rucker, III for UMPT Savannah Chatham Plaza, 001, LLC t/a Uncle Maddie's Pizza Joint, requesting a beer and wine (drink) license with Sunday sales at 7805 Abercorn Street, which is located between White Bluff Road and Mall Boulevard in District 4. (New ownership/location) Recommend approval.

Alderman Bordeaux: Do you understand the English language?

Mr. Rucker: Yes, sir.

Alderman Bordeaux: Is this the only alcohol license in the City of Savannah you hold?

Mr. Rucker: At this time, yes it will be.

Alderman Bordeaux: Do you plan to open other establishments?

Mr. Rucker: Perhaps.

Alderman Bordeaux: Do you understand if this license is granted it is a privilege for you to have it?

Mr. Rucker: Yes.

Alderman Bordeaux: Do you understand along with that privilege comes some responsibilities to follow the law and maintain the appearance of the location?

Mr. Rucker: Yes.

Alderman Bordeaux: Do you understand if you do not meet those responsibilities this Council will take the license away from you and hurt your revenue and put a lot of people out of work?

Mr. Rucker: Yes.

Alderman Hall: How many people do you plan to employ?

Mr. Rucker: At this point in time I think we have 23-25 employees.

Alderman Hall: That's a large staff, have they been properly trained on checking ID's?

Mr. Rucker: Yes.

Alderman Hall: Have they attended the regular class the City puts everyone through and received Bar Cards?

Mr. Rucker: They have not received Bar Cards because we will only be serving beer and wine. I have two managers and one is always on duty.

Alderman Hall: Ms. Jones, can you answer to that please?

Ms. Jones: He is not required to have Bar Cards.

Alderman Hall: Why is that?

Ms. Jones: Bar Cards are for bars, lounges and full service restaurants. He will not be transitioning to a bar.

Alderman Hall: His employees don't need to have Bar Cards?

Ms. Jones: That is correct.

Alderman Osborne: Do they have to have the training?

Ms. Jones: That is Mr. Rucker's decision to make.

Alderman Johnson: But it is strongly recommended.

Mr. Rucker: Both of the managers went through the training with me, but I will check into it for the reminder of my staff.

Alderman hall: Are any of your employees under 21?

Mr. Rucker: Yes, 18 is the youngest employee.

Alderman Hall: Can they technically serve alcohol?

Ms. Jones: Yes, 18 to pour and 18 to serve.

Upon a motion by Alderman Hall, seconded by Alderman Sprague and unanimously carried the hearing was closed.

Upon a motion by Alderman Johnson, seconded by Alderman Sprague and unanimously carried.

ZONING HEARINGS

Continued from the meeting of April 18, 2013 for a workshop on May 2, 2013 the Metropolitan Planning Commission (12-000277-ZA), recommending to add a "Street Classification Map for Announcement Signs" and to amend Sections 8-3112(c)(5)c, 8-3112(d)(3) and 8-3112(q) of the Savannah Zoning Ordinance to allow announcement signs in specified zoning districts, subject to limitations. Provided that certain limitations and conditions are part of the Ordinance requirements, manual changeable copy and electronically controlled announcement signs can be an effective means of communication for the travelling public and the community as well. The proposed amendment has such limitations and allows for a new type of signage within additional zoning districts consistent with other commercial districts as well as for certain nonresidential uses in other zoning districts. (Continued from April 18, 2013 for a workshop on May 2, 2013.) **Recommend approval.** Upon a motion by Alderman Sprague, seconded by Alderman Shabazz and unanimously carried.

Continued from the meeting of May 2, 2013 Aurash Kheradmandi, Agent for Abraxas Development LLC, Owner (12-001981), requesting to rezone 300 Drayton Street from RIP-A (Residential-Medium Density) to RIP-C (Residential-Medium Density). The Metropolitan Planning Commission (MPC) recommends approval. The property contains an existing commercial building which houses office uses on the second and third levels. All the adjacent properties within the same block house either office or retail uses. The existing R-I-P-A zoning classification and the proposed R-I-P-C classification allow a mix of residential and nonresidential uses as is typical in a downtown area. The RIP-C zoning district allows for restaurants, hotels and bars. The R-I-P-C zoning classification exists immediately west and south of the subject property and uses similar to the applicant's proposed use currently operate within those districts. (Continued from May 2, 2013.)

Alderman Johnson said he realizes Council has been back and forth on this issue, but he is interested in the definition of restaurant as it relates to this particular use and asked Marcus Lotson, Metropolitan Planning Commission (MPC) what he understood it to actually mean. Mr. Lotson said after conversations with the petitioner, his understanding was it would be a tapas restaurant which is not substantially different from a full-service restaurant in terms of how it's used. However, if the petitioner moves forward seeking a business-type certificate, it will be the determination of the Zoning Administrator as to how this use is defined; if it is defined as a restaurant it will occur through that process. Alderman Johnson said if it is approved will it then go through the Zoning Board of Appeals? Mr. Lotson said no if it is rezoned today the petitioner will have to submit an application for a business-type certificate for the restaurant's use, meet all the development standards for the property, and will have to adhere to the process that all businesses have to undergo prior to opening their doors. Alderman Osborne said her question is similar to Alderman Johnson and asked if this will be a sit-down restaurant or a tapas bar? Mr. Lotson said the petitioner has indicated to MPC that it will be a full-service restaurant that seats 75 with a full kitchen and wait staff. Alderman Hall said this process was started back in November and believes the young man, who was educated in this country, is an upstanding citizen and has met all the criteria required of him. He has the mandatory distance from the school and church to sell alcohol. He has not seen anyone from St. John the Baptist or St. Vincent at City Hall protesting his business, nor is anyone here today because they have no concerns. There are other establishments such as J. Christopher's and Drayton Tower that are able to conduct business without interference so why is 300 Drayton causing all of this? Alderman Hall feels the City should be more equitable and fair because everything else in the vicinity is zoned for that so why not 300 Drayton. Alderman Sprague said they are scrutinizing this rezoning request because it can change the neighborhood and what can occur there. This particular situation has parking concerns, at least for her. She wants to know their seating capacity, how many parking spaces will be provided and exactly what their plan is for that.

Mayor Jackson asked if Alderman Sprague wanted Mr. Lotson or the business owner to respond and Alderman Sprague said either one could reply. Rusty Ross, attorney for the owner introduced himself along with Kevin Finley owner of Abraxas Development, LLC and Aurash Kheradmandi, agent and operator of the restaurant. Mr. Ross gave a brief overview of the business and said the petitioner has every intention of complying with everything listed on the application. A full-service tapas restaurant will be on the first floor and will serve small portions. The building was constructed over 100 years ago as an automobile dealership, but is now a multi-purpose facility. The owner lives on the top floor of the building so it is owner-occupied, the first floor is currently vacant and they believe the restaurant will be an excellent addition for the storefronts on the first floor. The applicant has been working with MPC staff since mid-2012 and a lot of work was put into the request to change zoning from a RIP-A to a RIP-C. The main difference between the two is a restaurant. MPC did approve the rezoning and they came before Council in January 2013 which is when the parking issues were raised. Now there is a lot of speculation regarding the current activity, they do understand that parking is a concern and have compiled results from a study conducted by parking service personnel. The study shows that approximately 65% of the street parking spaces are used during the day and 70% are used during the night so parking is available for patrons. They requested clarification from the Zoning Administrator on needed parking spaces for the restaurant. After several months they received a letter from him stating the number of required spaces is 19. They received credit for 15 so their new requirement is four spaces which they can handle. Mr. Finley

is in a unique position because he has a parking garage right next to the building that was the old service garage for the automobile dealership. This garage has 23 spaces which he will make available after 5 p.m.

Mayor Jackson asked Mr. Ross if he was referring to the vacant lot and he said no there is an enclosed parking garage that is just to the east of the main four-story building. It is a part of Mr. Finley's property, is attached to the building and is used by the business tenants during the day. According to the Zoning Administrator they need four spaces, but they will have more parking than anyone else in close proximity. Mr. Ross says his client believes many of the customers will be tourists walking to the restaurant and Savannah is a very walkable place. With the commitment from his client to complete the process as stated by MPC staff, coupled with the unique built-in parking advantage they will meet all the requirements and should be able to put this issue to rest. They have enough parking available even if they had to provide the entire 19 spaces. It will be a full-service restaurant providing seating for 75 with a small bar area for people waiting to be seated and they do meet the space requirement for distance from a school. This is a rezoning petition and as they go through the entire approval process towards an ultimate occupancy permit and their grand opening, they will work closely with City staff to meet all their requirements for a new restaurant that will serve a great selection of food in a calm atmosphere.

Alderman Johnson said that his district crosses with Alderman Sprague's at different points, and they serve the same downtown district. He's never heard that anyone opposed the restaurant itself, but the issue is the potential impact such an establishment could have on the delicate balance that is maintained in that area. He said if the 19 parking spaces was based on the 75 seating capacity, and Mr. Ross said that was correct, then that is saying the restaurant is always full which is not necessarily a correct assumption. If this passes, Alderman Johnson thinks they should do some type of market analysis as this is not really a parking issue, to see how this negatively impacts the people living in that area. Alderman Bordeaux said Mr. Ross described the establishment very eloquently and as a calm restaurant and he recalled a previous rezoning request that was described as a Cheers-type family friendly bar. His concern was if the request was granted then a different bar could open in that area that wasn't a Cheers-type but possibly a biker bar and he presumes the same holds true here. He understands their argument about a nice, calm restaurant, but doesn't understand their argument about zoning and rezoning. Once an area is rezoned it's rezoned for any type of these facilities whether they are nice, calm, or family-friendly. Mr. Finley said he didn't believe a bar could be permitted there because of its proximity to the church and to the school. He stated he was the owner of the property, they are being very respectful of the neighborhood and as Mr. Ross indicated he lives above the restaurant and does not want a rocker's bar on the first floor.

Alderman Bordeaux said Mr. Ross made a very good point in that they want to make sure parking is available for the business. Council does understand that but they have a double responsibility to ensure there is available parking for the business and residents in that area; sometimes they can't please both. Alderman Bordeaux asked for clarification on the area and the time period from the parking study conducted years ago. Mr. Finley said the study was done by the City on a three-block radius. Alderman Bordeaux said he was asking because his office building is right across the street from them on Abercorn and Liberty. St. Vincent's has a lot of students parking there during the day and when the survey was taken will affect tremendously whether parking spaces are occupied. Mr. Finley said the study they sought was done at all

hours of the day and there was a separate nighttime study done as well. He believes it was done on the three-block radius at all times of the day, and the maximum parking capacity at nighttime was 70 percent meaning 30 percent of parking spaces were available. Alderman Bordeaux asked if this rezoning is granted will they need any type of variance. Mr. Finley said no not as it relates to parking and he doesn't think they will need one for operations either. Alderman Bordeaux wondered if they would ask anyone for a variance for regulations, and Mr. Finley said no.

Alderman Osborne said she asked if this would be a full-service restaurant and the answer was yes. She asked if she could go to the bar and buy a drink without ordering food and Mr. Finley said yes. She then asked wouldn't that make it essentially a bar and a restaurant? Mr. Finley said as he understands it a person can walk into any restaurant in the City and have a drink at the bar. Alderman Osborne asked if the parking requirement is satisfied by the number of chairs minus four which was her understanding. Mr. Finley said they have to provide four off street parking spaces according to the letter they received from Geoff Goins. He has a parking garage attached to the building and he can make four spaces available. Alderman Osborne asked how many parking spaces are needed for a 75-seat restaurant and Mr. Ross stated that per the Zoning Administrator they needed a net of 4 spaces. Nineteen would be required if it were a 75-seat restaurant in a brand new building. The City just granted a use change for a public restaurant on the other side of the De Soto Hilton that was already in a RIP-C zone and it has to have exactly six parking spaces for a 96 seat restaurant. Additionally, Mr. Ross was aware of 3 rezoning's that didn't require additional parking other than what was grandfathered in. One was the Georgia Medical Society which was RIP-D and was rezoned to have a restaurant with no parking and 608 Abercorn was rezoned from RIP-A to RIP-B for the purpose of putting a restaurant on the first floor. The statement in the MPC report meant essentially when the parking situation was approved there was plenty of remote parking in the area. The third is the Savannah Law School where parking was grandfathered in and this is what Mr. Goins relied on for his zoning letter that was sent. They were asked to satisfy the parking requirement which they have done. A lot of the older buildings in downtown Savannah are 100 years old and have been allowed to grandfather in parking.

Mayor Jackson stated since so many people were waiting she was asking that everyone give short answers if possible. Alderman Osborne asked if they had met with residents of the area, not just the Citizen Office, and what were the results of the meetings. Mr. Kheradmandi said yes several times and he has tried to attend the meetings providing as much information and support as needed. He has personally attended two meetings and they have tried their best to communicate with all concerned. They worked a lot with the Citizen Office and also had a large list of supporters. Mr. Kheradmandi said he is a long-time resident of Savannah feels they have met all the requirements, respects everyone's concern for their district and his intention is to be a good neighbor. Mr. Finley stated that the Citizen Office arranged the meeting at Ms. Shaver's home which he and Mr. Kheradmandi attended along with four or five members of the City staff. They discussed the hours of operations, the menu, and all other aspects and did all they could to communicate with the neighborhood. Alderman Sprague wanted clarification on the parking garage and asked who currently uses it and how many parking spaces does it have. Mr. Finley said he and his office tenants use the garage as it's attached to his building. It has 23 spaces; he allows his tenants to use 19 of them until 5 p.m. which leaves four available during the day. He also just put in a contract on the parking lot next to the SBA building and contiguous to the restaurant which should close in two to three months. This lot has 20 or 21 spaces so

collectively he has over 40 spaces that will be available. She asked how the patrons would know these parking spaces were available and he said they would provide signage as the garage door is approximately 30 feet from the entrance to the restaurant.

Alderman Bordeaux asked if something was taking place right by the restaurant and Mr. Finley said Drayton Tower was being renovated. Alderman Bordeaux said he thought it was an opening or leasing function, asked how many tenants that building would occupy, and Mr. Finley said he had no idea. Mayor Jackson asked Mr. Lotson to respond to the various questions posed by Council. Mr. Lotson stated that Drayton Tower has no parking requirement. Alderman Bordeaux said when it is filled to capacity and all spaces leased there will be a lot of parking needs, asked where those people would park and Mr. Lotson said it's anyone's guess. Alderman Thomas said he was confused about all the discussion around parking and asked if the Mellow Mushroom, which seats about 100 and other restaurants in the area were required to provide parking. He thinks the parking is a smokescreen and said the size of the proposed restaurant is not significant enough to change the area's parking needs. If you ride around the neighborhood you will see available parking spaces. Additionally, the building's owner will provide parking spaces to the patrons, and it can't be assumed that everyone will drive to the restaurant as some will walk. He doesn't agree that parking is the issue for this site.

Alderman Hall said under current zoning, a number of businesses in the area create more traffic than this restaurant. There are businesses with similar uses and zoning like 300 Drayton that do not provide or need required parking and asked why we are trying to steal this young man's dream. Mayor Jackson acknowledged that she was giving everyone an opportunity to voice their comments and opinions on this issue. Despite the lengthy discussion it needed to come to a close and she is hoping they vote on it one way or another. Alderman Shabazz said she has listened and heard all the facts stated and it seems a lot of concerns are about the parking. Reiterating what has been said, when Mr. Finley purchased the property, Drayton Tower was fully occupied so he was well aware of parking, traffic, etc. and she doesn't see an issue with parking whatsoever. Cora Beth Thomas, who sold Drayton Tower, said there are two lots and one is leased by Parker's and when it is completed they will provide parking. Also, Drayton Tower used to have a bar. Alderman Bordeaux asked how many parking spaces are on the two lots, and Ms. Thomas said she did not know. There are ten residential floors, and even though parking is not required they did provide it. She is also a neighbor and said there is no parking issue that she is aware of.

Mayor Jackson invited the following residents to come up and speak:

Graham Sadler said it is a stagnant block, the restaurant will bring some much needed light to the corner and it will be a nice attractive addition to the area.

Austin Hill said he is in support of the restaurant and said Savannah is a walking city, the restaurant will enhance downtown Savannah and feels they should support this local business owner.

T. Heyward Gignilliat said he owns several properties in the area, but he is against this and a tapas bar is not a full-service restaurant. He feels they are trying to put the horse before the cart

and are trying to give rezoning to something that doesn't qualify to go in that building. He also said the building doesn't have a fire escape or fire alarms

Mr. Finley, owner of the property gave a rebuttal stating that the building does have a fire escape and they went through all the proper channels when he bought the building. He said he was overwhelmed by the hypocrisy and wanted to correct the mistruths.

Mayor Jackson told Mr. Finley she understood, but he did not need to provide a rebuttal and wanted to allow the rest of the resident's time to give their comments.

Jean Brooks said she has lived in Savannah over 30 years and she is in support of this restaurant.

Pam Sutton lives on 218 E. Liberty Street and said she cannot find available parking on Saturday when J. Christopher is open. She does applaud Mr. Finley for providing garage spaces, but said there is no guarantee they will use them. She also said the restaurant is described as a bar and tapas on an email.

Esther Shaver said there was some confusion between feet and yards. A bar cannot be within the 200 yards of a school and the Revenue Department said they are 167 yards which is 528 feet; so she said legally they cannot have a bar. Alderman Hall wanted Judee Jones to confirm this, but she was out of the room.

Henry Reed, President of the Downtown Neighborhood Association said they have obviously been approached by both sides of this dispute and have heard all the complicated issues. They feel this should be based on today's ordinances and parking. They want to be fair and if the applicant meets the requirements they approve this zoning request.

Walter Hartridge lives at 119 Charlton Street and is an attorney and the parking space numbers are not accurate. He also feels there will be a need for signage as well. He said he has been in the preservation business for fifty years and fought for these zoning ordinances. He gave a definition of a tapas bar and said it is not the same as a full-service restaurant.

Alderman Hall asked Mr. Hartridge if he knew exactly the distance from the school yard and the church and he said yes. Alderman Hall said the measurement from the school yard and the school is 263 yards and from the church it's 169. Mr. Hartridge said he disagreed. Mayor Jackson asked Ms. Cutter if she could provide some input and Ms. Cutter stated that there are no distance requirements for a restaurant.

Roger Moss is a resident of downtown Savannah who lost 75 pounds by eating smaller portions. He said it is a tapas and full-service restaurant that and not a Cheers-type bar. They need more young people downtown and he supports it.

Bill Sparks is a commercial real estate broker, has worked with Mr. Finley on other properties and is in full support of the restaurant. He has gotten to know Aurash Kheradmandi and feels he is an upstanding young man and a talented entrepreneur.

Alderman Johnson asked Ms. Cutter if she feels it is a restaurant and does it meet the parking standard as required and she responded yes to both. Alderman Osborne asked if there are distance requirements for establishments that sell alcohol and Ms. Cutter said restaurants do not have distance requirements. Alderman Bordeaux asked if he was correct in that the zoning level now is RIP-A and they are requesting that it be RIP-C and Mr. Lotson stated that was correct. Alderman Bordeaux also asked was the difference that RIP-C allows hotels, restaurants and bars and Mr. Lotson responded yes that was correct and RIP-A does not. Mr. Stilwell provided further clarification and stated that Mr. Lotson was correct and RIP-C is for hotels, restaurants and bars, however if it was just a bar it would have a distance requirement. So therefore, technically this zoning would provide for a bar, they would not be able to get an alcohol license because it wouldn't meet the distance requirements for a bar. Alderman Bordeaux asked if that was why they were adamant about it being recognized as a full-service restaurant versus a bar. Mr. Stilwell said a full-service kitchen along with revenue generated from food fulfills the criteria for a full-service restaurant. Alderman Bordeaux asked if this request was for the specific street address of 300 Drayton, why wasn't that spot zoning. Mr. Lotson stated that spot zoning is placing something on a piece of property that doesn't fit at that location. After reviewing the request, MPC's opinion was that RIP-C which exists at many areas around this building is an appropriate zoning classification for that particular piece of property. It is on a commercial corridor at Drayton and Liberty and some of the commercial uses allowed in that zoning would be appropriate at that location.

Alderman Sprague asked Mr. Stilwell about a Developmental Services memo sent out from the Zoning Administrator. Part of the content discusses the location of a restaurant in the space not causing a substantially different impact on parking on part of the neighborhood than the impact of occupancy from a man's clothing store. She then asked if a clothing store was the same as a restaurant. Mr. Stilwell said he didn't think he was ruling that it was the same, but that it was not a significantly different type of impactful use. He said a lot of people in the zoning and planning field don't think retail-type businesses in the downtown area need additional parking, except for employees. They refer to that as internal capture and feel their customer base lives in the area or walks there unlike businesses on the south side and parking requirements are recognized differently for that reason. Mr. Stilwell also explained how existing businesses are grandfathered in and provided examples of how redevelopment is encouraged in the historic and downtown areas in terms of parking space requirements. Mayor Jackson asked if anyone had a last statement and Mr. Kheradmandi apologized for taking up so much of Council's time. He then gave a definition of a restaurant and said he doesn't feel because they serve four ounce entrees they should be penalized for the smaller servings. Mayor Jackson then asked for a motion to close. She said she listened to everyone that wanted to speak, has learned a lot especially in terms of eating smaller portions. She said this was always brought to them as a full-service restaurant and she was the one who sent the young man back, told him to return with sufficient parking and to meet with the residents. She asked if she was correct and Mr. Kheradmandi responded yes. Mayor Jackson said even though he complied with the requests there were still people for and against, and people have even been in her office this week stating their position on this issue.

Mayor Jackson hopes, however they vote, that people realize Savannah is a walking city. She thanked Cora Beth for clearing up the parking lot issue for her as that was a big bone of contention. She will not tell anyone how she plans to vote, but whatever Council votes will

stand. She hopes that along with everyone else she was fair in allowing all to say what they had to say without interruption. Alderman Thomas moved for approval of the recommendation and was seconded by Alderman Hall. Mayor Jackson said there was a question on the motion even though they already had a very lengthy discussion. Alderman Bordeaux said they discussed issues ranging from the restaurant's menu to available parking. He believes if it's approved that creates a double concern. They have to look at whether it's fair or not and what impacts will the rezoning have on other businesses in the area. He feels there are other entities already burdening the area and even though Savannah is a walking city some can only walk so far. He said they have to weigh everything because he may last a few years and move on but the area will already be rezoned. He will urge Council not to approve this because it opens the door to other future businesses that may not be as favorable as this one. Alderman Osborne said she would like to caution Council to listen and heed the words of Attorney Hartridge and vote accordingly.

Alderman Shabazz said she agrees with the statement made by Alderman Bordeaux in that they are voting on the zone change not parking. Her question to MPC is what does the present zone classification allow and what will the rezoning allow. The primary one is that the R-I-P-C which is what the petitioner is requesting allows restaurants and the R-I-P-A which is what it is presently does not. Alderman Shabazz said if we don't vote to change it this young man will not have a business. Mr. Lotson said the current RIP-A zoning allows for a bar and the requested RIP-C zoning will allow for a restaurant, so under the current zoning they would not be able to open their business as a restaurant.

Upon a motion by Alderman Thomas, seconded by Alderman Hall it was approved with Mayor Jackson, Aldermen Thomas, Johnson, Hall, Sprague and Shabazz voting in favor: and Aldermen Bordeaux and Osborne voting against the motion.

Ryan Thompson, Agent for W.H. Gross Construction Company (13-001337-ZA), requesting to rezone 1108 E. Anderson Street from R-4 (Four-Family Residential) to R-I-P-B (Planned Residential-Medium Density). MPC recommends approval. The proposed zoning is consistent with the Tri-Centennial Comprehensive Plan Future Land Use Map. However, the desire to rehabilitate the existing school buildings on the subject site for uses other than a school is hampered by the development standards contained within the existing R-4 zoning district. One alternative use that would be appropriate for the subject buildings and site is multi-family residential. However, a more urban zoning classification would be required to allow multi-family to be developed at a greater density than that permitted within an R-4 zoning district. (The petitioner has requested First and Second Reading of the rezoning ordinance in the attached letter.) Recommend approval.

Alderman Osborne in our efforts to do revitalization to the eastside corridor that is a serious anchor and has been an eyesore since it has been closed and shut down. This is the first real opportunity that has been seen to do anything with the building. The gentleman that is working on this project has had successful projects in other cities and has been recognized by Historical Societies for the work he has done. He has been successful in acquiring Low Tax Credit funds for completing these developments the point is he has experience in obtaining the resources. Many people have had ideas for Romana Riley School but had no capital. I hope Council

supports this idea so we can have 50 more units in the district, revitalize the building and bring new life to the corner.

Alderman Thomas we are currently faced with issues with multifamily houses, these units that will be redone and made into other units will they be rented as a family unit not subdivided in any way? Mr. Thompson referred to Mr. Bill Gross from W.H. Gross Construction Company the existing building will be subdivided into 25 apartments they will be 1 and 2 bedroom units for individuals 55 years of age and older. The new units will be behind it to make the total 57 units.

Alderman Shabazz riding on East Anderson Street for a number of years and seeing the building believes it is a solid and historic structure. She is grateful someone is coming to renovate the property and even more for housing and individuals 55 years of age and older. She applauds what is going on and is in favor of the project so it can move forward.

Upon a motion by Alderman Thomas, seconded by Alderman Shabazz and unanimously carried.

Harold B. Yellin, Agent for the Kessler Collection (13-001281-ZA), requesting to rezone 400 and 500 W. River Street from I-L (Light-Industrial) and B-B (Bayfront-Business) to B-B. MPC recommends approval. The proposed rezoning is consistent with the Tri-Centennial Comprehensive Plan Future Land Use Map. The proposed B-B classification would create an opportunity to redevelop a significant property along the Savannah waterfront in a manner consistent with the character of the surrounding area. The Downtown future land use designation is defined as areas which are within the traditional Central Business District and include such uses as retail, commercial, office and entertainment. The proposed zoning is consistent with this designation. The B-B zoning classification would allow the type of development that is desirable for this area of the city and help to provide a compatible anchor for the west end of River Street. Recommend approval. The petitioner requested First and Second Reading of the rezoning ordinance at the meeting of Council.

Upon a motion by Alderman Johnson, seconded by Alderman Thomas and unanimously carried.

William and Mathilda Hartley, Owners/Agents for Hartley Rental Properties (13-001162-ZA), requesting to rezone the commercial portion of 3107 Waters Avenue from R-6 (Single-Family Residential) to BN-1 (Neighborhood Business-Limited). MPC recommends approval. The proposed rezoning is consistent with the Tri-Centennial Comprehensive Plan Future Land Use Map. The requested rezoning will conform to the existing use and will allow separation of the existing residential use from the non-conforming commercial use on the same parcel. Recommend approval.

Alderman Sprague stated this has become a very cute antique store that adds value to the Waters Avenue corridor.

Upon a motion by Alderman Sprague, seconded by Alderman Shabazz and unanimously carried.

Jeff Halliburton, Agent for Lewis Commercial Properties, LLC, Petitioner/Owner (13-001209-ZA), requesting an amendment to the Future Land Use Map to change a portion of 1426 Chatham Parkway from a Commercial-Suburban classification to a Residential-General classification and to rezone the property from PUD-B-R (Planned Unit Development-Regional

Business) to PUD-M-18 (Planned Unit Development-Multifamily, 18 units per net acre). MPC recommends approval. The proposed rezoning is not consistent with the Tri-Centennial Comprehensive Plan Future Land Use Map. An Amendment to the Future Land Use Map is recommended for approval. The requested rezoning will establish a zoning district that has a use and density compatible with the existing and planned used in the immediate vicinity. Recommend approval.

Alderman Sprague asked for clarification on the comment stating the proposed rezoning is not consistent with the Tri-Centennial Comprehensive Plan. Mr. Lotson stated the reason is under the current land use designation and future land use map it's designated as regional business, multifamily residential does not fall under that category that is the reason for the change. Alderman Sprague asked why do we do a comprehensive plan and not follow it. Mr. Lotson stated this property was rezoned and annexed back into the City in 1986 and it was anticipated a large retail might develop in that area because of Chatham Parkway that didn't happen what did happen is multifamily residential has developed in the area. Alderman Sprague we're going along with what is actually happening and not what we planned for.

Upon a motion by Alderman Thomas, seconded by Alderman Sprague and unanimously carried.

PETITIONS

Matthew Allan of J Leander LLC (Petitioner and Property Owner) – Petition 120528, requested that the City allow encroachment within the Houston Street right-of-way for the construction of an entry stoop with stairs. The subject property is located at 212 Houston Street between E. Hull Street and E. Oglethorpe Lane. The petitioner has plans to construct this new residential building which will require a front stoop and stairs to reach the first floor elevation. According to Mr. Allan, the length of the encroachment is 18'-0" and will extend into the sidewalk 4'-0", leaving a passable 4'-6" sidewalk adjacent to the tree lawn.

This request has been reviewed by Public Works and Water Resources, Development Services, and Park and Tree. None of the departments have objection to the request, however the following conditions must be met: any and all sidewalk modifications must be done in accordance to the City's standard construction details and specifications and must meet ADA requirements, all City guidelines must be followed for the construction of the stoop/stairs and the installation must meet all federal, state and local codes, Park and Tree must be contacted in advance to schedule the pruning of a tree within the right-of-way, and the property owner assumes all responsibility for injuries or damages to third parties as a result of the encroachment. Upon a motion by Alderman Thomas, seconded by Alderman Hall and unanimously approved as per the City Manager's recommendation.

Kiran Patel of BAPS Savannah LLC (Property Owner) – Petition 120529, requested the City allow encroachment within a City utility easement located across his property as 355 Canebreak Road, for the installation of a fence. The 15' wide easement runs the length of his front property line and contains an underground sewer main. The proposed fence will be constructed within the easement and will consist of brick piers with faux iron panels.

This request has been reviewed by Public Works and Water Resources and Development Services. None of the departments have objection to the request, however the following conditions must be met: the owner will take responsibility for any damage to the sewer main and any other appurtenances within the easement during the installation or routine maintenance of the fence, the City shall reserve the right to remove, or cause to be removed, any and all sections of the fence necessary for the performance of work on the public infrastructure at the owner's expense, the City will be held harmless for maintenance and liability of the fence, the owner must agree to modify the entrance gates to open into the property, all City construction guidelines must be followed, all installations must meet all federal, state and local codes, and the property owner will assume all responsibility for injuries or damages to third parties as a result of any and all of the encroachments. Upon a motion by Alderman Thomas, seconded by Alderman Hall, the petition was unanimously approved as per the City Manager's recommendation.

Tommy Rosson of Coastal Canvas Products, representing Kyle and Jamie Weaver (Property Owners) – Petition 120537, requested that the City allow encroachment within the Abercorn Street right-of-way for the installation of awnings. The subject property is located at 1018 Abercorn Street between E. Park and E. Waldburg Streets. The petitioner plans to install two (2) awnings each 63" wide by 30" in height with projections of 36". The awnings will provide approximately 7'-0" vertical clearance. Typically 8'-0" vertical clearance is required, however for this particular awning, specifically due to the building height, staff recommends approval as submitted.

This request has been reviewed by Public Works and Water Resources and Development Services. None of the City departments have objections to the request, however the following conditions must be agreed to: the property owner assumes all responsibility for injuries or damages to third parties as a result of the encroachment, all City construction guidelines must be followed, and the awning installation must meet all federal, state and local codes. Upon a motion by Alderman Thomas, seconded by Alderman Hall, the petition was unanimously approved as per the City Manager's recommendation.

Christopher Page – Petition 120446, requested the City declare surplus the vacant lot located at 0 E. 36th Street, PIN 2-0064 -19-014. The subject property is approximately 30' x 92', located on the north side of 36th Street between Reynolds and Atlantic Streets, legally described as Lot 13 Blk E Glatigny Wd, and adjacent to Mr. Page's residence at 650 E. 36th Street.

Mr. Page is interested in acquiring the vacant lot in order to increase his side yard. He notes there is a lot of "foot" traffic passing through the subject property as pedestrians cut between two vacant houses on 35th Street and use the vacant lot as a collection area for trash. The City originally acquired this property in 1944 via quitclaim deed. The City will offer the property via Request for Proposal (RFP).

Public Works and Water Resources, Development Services, Park and Tree, Housing, Leisure Services, Savannah-Chatham Metropolitan Police Department, and Savannah Fire and

Emergency Services have reviewed the petition and there are no objections to the petitioner's request.

Staff recommends that the City declare surplus the property located at 0 E. 36th Street, PIN 2-0064 -19-014, in order to offer it to the public via RFP. Upon a motion by Alderman Thomas, seconded by Alderman Hall, the petition was unanimously approved as per the City Manager's recommendation.

Savannah Candy Kitchen by Dennis Barr, Stanley Strickland and Ansley Williams – Petition 120511, requesting reimbursement of its loss incurred when its premises at 225 E. River Street flooded on February 18, 2013. The flooding was caused by a leak in a City water line. Water Resources has confirmed that the incident could have been avoided if the City's crews had responded in a timelier manner. The City's adjustor, Crawford & Company has recommended settlement based on petitioner's loss of \$27,585.77. Risk Management and the City Attorney recommend full and final settlement of the claim in the amount of \$27,585.77. Recommend approval. Upon a motion by Alderman Thomas, seconded by Alderman Osborne and unanimously carried.

ORDINANCES

First and Second Readings

Ordinance read for the first time in Council May 16, 2013, then by unanimous consent of Council read a second time May 16, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Thomas, seconded by Alderman Johnson and carried.

Intersection of W. Huntingdon and Jefferson Streets – One Way Eastbound. An ordinance to establish W. Huntingdon Street as a one way roadway eastbound, from Montgomery Street to Tattnall Street, in order to remove sight distance concerns and maintain available parking for residents. (The Traffic Engineering Report was approved May 2, 2013.) Recommend approval.

AN ORDINANCE **To Be Entitled**

AN ORDINANCE TO AMEND APPENDIX I, SECTION 211 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) PERTAINING TO SECTION 7-1027 OF SAID CODE TO PROVIDE THAT THE STREETS NAMED HEREIN BE DESIGNATED ONE-WAY; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: That Appendix I, Section 211 of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1027 of said Code be amended as follows:

ENACT

<u>NAME OF STREET</u>	<u>FROM</u>	<u>TO</u>	<u>DIRECTION OF TRAFFIC MOVEMENT</u>
West Huntingdon Street	Montgomery Street	Tattnall Street	East

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: May 16, 2013.

Ordinance read for the first time in Council May 16, 2013, then by unanimous consent of Council read a second time May 16, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Osborne, seconded by Alderman Sprague and carried.

Rezone 1108 E. Anderson Street (13-001337-ZA). An ordinance to rezone 1108 E. Anderson Street from the R-4 (Four-Family Residential) to R-I-P-B (Planned Residential-Medium Density). Recommend approval.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO REZONE CERTAIN PROPERTY
FROM ITS PRESENT R-4 ZONING CLASSIFICATION
TO A R-I-P-B ZONING CLASSIFICATION; TO REPEAL
ALL OTHER ORDINANCES IN CONFLICT HEREWITH;
AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following described property be rezoned from its present R-4 zoning classification to a R-I-P-B zoning classification:

LEGAL DESCRIPTION

Commencing from THE POINT OF BEGINNING [X: 992329.713948 Y: 750514.481916] located at the approximate intersections of the centerlines of Waters Avenue and East Henry Street and proceeding in a Southeasterly direction: S 73-13-20 E , along the centerline of the East Henry Street for approximately 321.964 ft. to a point

thence proceeding in a Southwesterly direction: S 15-47-19 W along a line, for an approximate distance of: 299.895 ft. to a point,

thence proceeding in a Northwesterly direction: N 74-15-49 W, along the centerline of East Anderson Street for an approximate distance of: 320.646 ft. to a point [X: 992247.746129 Y: 750219.925158]

thence proceeding in a Northeasterly direction: N 15-33-2 E, along the centerline of Waters Avenue for an approximate distance of: 305.749 ft. to a point, said point being, THE POINT OF BEGINNING

The property is further identified by the Property Identification Number as follows;

P.I.N. 2-0055 -07-008

SECTION 2: That the requirement of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 26th day of April, 2013, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: May 16, 2013.
MPC FILE NO.: 13-001337-ZA

Ordinance read for the first time in Council May 16, 2013, then by unanimous consent of Council read a second time May 16, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Johnson, seconded by Alderman Thomas and carried.

Rezone 400 and 500 W. River Street (13-001281-ZA), An ordinance to rezone 400 and 500 W. River Street from I-L (Light-Industrial) and B-B (Bayfront-Business) to B-B.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM
ITS PRESENT I-L AND B-B ZONING CLASSIFICATIONS
TO A B-B ZONING CLASSIFICATION; TO REPEAL ALL
OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR
OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following described property be rezoned from its present I-L and B-B zoning classifications to a B-B zoning classification:

LEGAL DESCRIPTION

Beginning at a point, being THE POINT OF BEGINNING [X: 987735.203459 Y: 759442.236497], located at the approximate intersections of the centerlines of West River Street and Martin Luther King Jr. Boulevard and proceeding in a Southeasterly direction, along the centerline of West River Street for approximately 813.30 ft. to a point, thence proceeding in a direction: N 17-57-35 E along a line, for an approximate distance of: 110.30 to a point, thence proceeding in a direction: N 58-23-59 W along a line, for an approximate distance of: 420.16 to a point, thence proceeding in a direction: N 57-48-15 W along a line, for an approximate distance of: 132.94 to a point, thence proceeding in a direction: N 54-1-17 W along a line, for an approximate distance of: 325.78 to a point, thence proceeding in a direction: N 18-16-26 E along a line, for an approximate distance of: 33.80 to a point, thence proceeding in a direction: N 50-21-28 W along a line, for an approximate distance of: 168.49 to a point, thence proceeding in a direction: N 47-47-25 W along a line, for an approximate distance of: 105.30 to a point, thence proceeding in a direction: N 47-8-51 W along a line, for an approximate distance of: 113.21 to a point, thence proceeding in a direction: N 47-22-46 W along a line, for an approximate distance of: 31.93 to a point, thence proceeding in a direction: N 47-39-52 W along a line, for an approximate distance of: 55.12 to a point, thence proceeding in a direction: N 46-7-26 W along a line, for an approximate distance of: 72.13 to a point, thence proceeding in a direction: N 46-39-8 W along a line, for an approximate distance of: 36.78 to a point, thence proceeding in a direction: S 24-11-5 W along a line, for an approximate distance of: 326.92 to a point, a point located on the approximate centerline of West River Street thence proceeding in a Southeasterly direction along the centerline of West River Street, for an approximate distance of: 642.28 to a point [X: 987735.203459 Y: 759442.236497], said point being, THE POINT OF BEGINNING
The property is further identified by the Property Identification Numbers are as follows:
2-0003-01-001 & 2-0003-02-001.

SECTION 2: That the requirement of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 26th day of April, 2013, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: May 16, 2013.

MPC FILE NO.: 13-000506-ZA

Ordinance read for the first time in Council May 16, 2013, then by unanimous consent of Council read a second time May 16, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Sprague, seconded by Alderman Shabazz and carried.

Rezone 3107 Waters Ave. (13-001162-ZA), An ordinance to rezone the commercial portion of 3107 Waters Avenue from R-6 (Single-Family Residential) to BN-1 (Neighborhood Business-Limited).

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM
ITS PRESENT R-6 ZONING CLASSIFICATION TO A
BN-1 ZONING CLASSIFICATION; TO REPEL ALL OTHER
ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER
PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following described property be rezoned from its present R-6 zoning classification to a BN-1 zoning classification:

LEGAL DESCRIPTION

Beginning at a point, [X: 990,839.549 ft Y: 745,364.486 ft] located at the approximate intersections of the centerlines of the Washington Lane and Waters Avenue; thence proceeding in a direction N-73-24-14 W, along the centerline of Washington Lane for approximately 95.1 ft to a point, thence proceeding in a direction S 15-31-6 W, along a line for an approximate distance of: 36.6 ft to a point, thence proceeding in a direction: S 73-24-14 E, along a line for an approximate distance of: 95.4 ft to a point, a point located on the approximate center-line of Waters Avenue, thence proceeding in a direction: N 15-7-29 E, along the approximate centerline

of the Waters Avenue for an approximate distance of: 36ft to a point [X: 990,839.549 ft Y: 745,364.486 ft], said point being, THE POINT OF BEGINNING.

The property is further identified by the Property Identification Number as follows:
2-0085-04-007

SECTION 3: That the requirement of Section 8-3182(f) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded to anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 26th day of April , 2013, a copy of said notice being attached hereto and made a part hereof.

SECTION 4: Upon the effective date of the ordinance all ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: May 16, 2013
MPC FILE NO.: 13-001162-ZA

RESOLUTIONS

Easement to Georgia Power Company – 102 Jim Benton Court. A resolution to authorize the execution of an easement to Georgia Power Company on and across City-owned property located at 102 Jim Benton Court, PIN 2-1016-02-069, for installation and continued maintenance of a new overhead transmission line. Georgia Power Company (GPC) is requesting an easement across City property for the installation of a new overhead transmission line. The subject property is a 3.3 acre lot located at 102 Jim Benton Court, more specifically, on the west side of Benton Boulevard just south of Jimmy Deloach Parkway. The parcel was originally purchased by the City for a future fire station.

Georgia Power is installing the overhead transmission line to supply the new Crossroads Business Park Substation. The line and associated two (2) poles are planned to be located within an existing 40' utility corridor which runs along the eastern property line and as recorded in the original subdivision plat. The request involves .35 acres of the City property. Although there is legal standing that the easement has been dedicated by plat, GPC would prefer to get an executed easement and compensate the City at a fair market value for the easement acreage and the standard easement language. GPC has agreed to compensate the City \$50,000.00. (An aerial photo is attached.) Recommend approval. Upon a motion by Alderman Johnson, seconded by Alderman Shabazz and unanimously carried.

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN EASEMENT TO GEORGIA POWER COMPANY ON AND ACROSS CITY-OWNED PROPERTY LOCATED AT 102 JIM BENTON COURT, PIN 2-1016-02-069, FOR INSTALLATION AND CONTINUED MAINTENANCE OF A NEW OVERHEAD TRANSMISSION LINE.

WHEREAS, the Mayor and Aldermen of the City of Savannah are authorized by Georgia law to grant easements across municipal property for the benefit of the public and for such compensation as deemed reasonable; and

WHEREAS, this request will serve the interests of the City of Savannah by allowing the installation of a new overhead line adjacent to the subject property for improved service in the area;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Aldermen of the City of Savannah in regular meeting of Council assembled, with more than two-thirds of the Aldermen present and voting in the affirmative, approve the granting of said easement and authorize the City Manager to execute the easement document in conformance with this Resolution.

ADOPTED AND APPROVED THIS 16th day of May, 2013.

Resolution of Support for Romana Riley School Senior Housing Low Income Housing Tax Credit Application. W.H. Gross, a developer, is seeking a Resolution of Support from the Mayor and Aldermen for his 2013 low income housing tax credit application to the Georgia Department of Community Affairs (DCA). If awarded the tax credits, W.H. Gross will acquire, renovate, and develop the former Romana Riley School property into 57 affordable apartments for low income senior citizens. Of the new apartments, 25 will be located in the Romana Riley School and annex building as part of an adaptive reuse while the other 32 will be in a newly constructed building that will face Henry Street and Waters Avenue just north of the school buildings. W.H. Gross' tax credit application does not seek financing from the City of Savannah or CHSA, Inc. The proposed development of this site is consistent with the 2013-2017 Consolidated Housing and Community Development Plan and with the Comprehensive Plan adopted by the City. The renovation of the historic school structures, which are listed on the National Register of Historic Places, would help preserve a valuable neighborhood landmark and could be an asset to both the neighborhood and the Waters Avenue corridor. On April 18, 2013, the Mayor and Aldermen showed their support for the proposed development on the Romana Riley School property by authorizing the sale of four vacant City owned lots on the SW corner of Waters Avenue and Anderson Street to W.H. Gross should his application for 2013 low income housing tax credits be successful. Recommend approval. Upon a motion by Alderman Thomas, seconded by Alderman Shabazz and unanimously carried.

RESOLUTION OF SUPPORT

WHEREAS, the former Romana Riley School and adjoining annex, historic buildings located at a key intersection along the Waters Avenue corridor, have been empty for years and are considered key buildings that, if properly renovated, can once again become assets to the neighborhood and the Waters Avenue corridor; and

WHEREAS, the City of Savannah has identified the development and retention of affordable rental housing for Savannah residents as a priority in the City's 2013-2017 Consolidated Housing and Community Development (HCD) Plan; and

WHEREAS, the HCD plan also identifies as a goal the revitalization of neighborhood commercial corridors, recognizing the Waters Avenue corridor as one of nine target corridors; and

WHEREAS, the production and retention of affordable housing is also consistent with the Comprehensive Plan adopted by the City of Savannah; and

WHEREAS, the former Romana Riley School and annex are listed in the National Register of Historic Places, have significant historical significance to the neighborhood, and are worthy of renovation; and

WHEREAS, the Mayor and Aldermen approved the sale of surplus property, adjacent to the Romana Riley School and annex site, on the southwest corner of Waters Avenue and Anderson Street to W.H. Gross contingent upon the award of 2013 low income housing tax credits tax credits; and

WHEREAS, developer W.H. Gross has proposed to convert, renovate, and construct up to 57 units of new affordable housing for senior citizens on the site of the former Romana Riley School and annex if awarded 2013 low income housing tax credits by the State of Georgia Department of Community Affairs;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Aldermen of the City of Savannah declare their full support for the conversion, renovation, and construction of 57 affordable apartments on the former Romana Riley School and annex site for senior citizens using 2013 low income housing tax credits as proposed by W.H. Gross.

Adopted this 16th day of May, 2013

BIDS, CONTRACTS AND AGREEMENTS

Upon a motion by Alderman Thomas, seconded by Alderman Shabazz and unanimously carried, the following bids, contracts and agreements were approved per the City Manager's recommendations:

Roofing Materials for Summer Rehab Program – Event No. 1324. Recommend approval to procure roofing materials for the summer housing rehabilitation program from Commercial Roofing Specialties in the amount of \$118,738.53. The roofing materials will be used by the Housing Department for the rehabilitation of homes located throughout Savannah for neighborhood improvement.

This bid was advertised, opened and reviewed. The bidders were:

L.B.	Commercial Roofing Specialties ^(B)	\$	118,738.53
	Southern Roof Center ^(B)	\$	122,463.75

Funds are available in the 2013 Budget, Emergency Repair/Construction Supplies and Materials (Account No. 221-3259-51340). A Pre-Bid Conference was conducted and no bidders attended. ^(B)Indicates local, non-minority owned business. Recommend approval.

Temporary Casual Labor – Annual Contract Renewal – Event No. 1380. Recommend renewing an annual contract to procure temporary casual labor personnel services from Chatham Personnel Enterprises, Inc./Temporaries Unlimited in the amount of \$738,665.40. The temporary casual labor contract will be used by various City departments and Bureaus to fill positions requiring skilled and casual labor.

This is the second of four renewal options available.

Bids were originally received November 23, 2010. This bid was advertised, opened and reviewed. The bidder was:

L.B. Chatham Personnel Enterprises, Inc. ^(B) \$ 738,665.40
Funds are available in the 2013 Budget, Various Departments/Temporary Labor (Account No. Various Departments/51256). A Pre-Bid Conference was conducted and five bidders attended. ^(B)Indicates local, non-minority owned business. Recommend approval.

Brass Water Distribution Fittings – Annual Contract Renewal – Event No. 1424. Recommend renewing an annual contract to procure brass water distribution fittings from H.D. Supply Waterworks, Ltd. in the amount of \$203,004.84. The brass fittings will be maintained in inventory at the Central Warehouse and will be used by Water Distribution in the maintenance and repair of water lines throughout the city.

This is the first of two renewal options available.

Bids were originally received February 7, 2012. This bid was advertised, opened and reviewed. Delivery: As Needed. Terms: Net 30 Days. The bidder was:

L.B. H.D. Supply, Ltd. ^(D) \$ 203,004.84

Funds are available in the 2013 Budget, Water Distribution/Construction Supplies & Materials (Account No. 521-2503-51340). A Pre-Bid Conference was not conducted as this is an annual contract renewal. ^(D)Indicates non-local, non-minority owned business. Recommend approval.

Annual Maintenance for Outdoor Wireless System – Event No. 1420. Recommend approval to procure annual maintenance service from ABB Tropos Networks in the amount of \$36,644.50. The maintenance service will be used by the Information Technology Department on the outdoor mesh wireless communication system used to support the City's surveillance camera system. ABB Tropos Networks is the original manufacturer of the equipment and pricing for support and maintenance were established when equipment was purchased in 2009.

The vendor is:

S.S. ABB Tropos Network ^(D) \$ 36,644.50

Funds are available in the 2013 Budget, Internal Service Fund/Information Technology/Data Processing Equipment Maintenance (Account No. 611-1140-51251). A Pre-Bid Conference was not conducted as this is a sole source purchase. ^(D)Indicates non-local, non-minority owned business. Recommend approval.

Civic Center Restroom Renovations – Contract Modifications No. 1 – 9 – Event No. 683 (CC0604). Recommend approval of Contract Modifications No. 1 through 9 to CNB Construction LLC in the amount of \$26,046.78. The original contract was for renovating the men's and women's restrooms serving the main floor lobby of the Civic Center.

These contract modifications include the following items that were not included in the original scope of work and were requested by the City to be added during the renovations: additional urinal screens, alternate ceramic tile and pattern, upgrade to a birch wood door and hardware in men's restroom, troubleshooting of Civic Center electrical and repairing damage underground conduit, additional power required for restroom hand dryers and flush valves, replacement of door frame in men's restroom, additional floor leveling for new tile and installation of anti-fracture membrane, upgrade from specified Corian countertops to quartz in both restrooms, additional support required for countertops, new wall hung lavatory versus floor mounted, larger toilet partitions.

The cumulative total of the contract requires Council approval of the modifications. The original contract was approved by the Council in January, 2013 for \$113,824.71. The total of all contract modifications to date including these modifications is \$26,048.78 making the contract total price \$139,873.49. The second low bidder for this contract submitted a price of \$139,900.00.

Recommend approval of Contract Modifications No. 1-9 to CNB Construction LLC in the amount of \$26,048.78. Funds are available in the 2013 Budget, Capital Improvement Projects/Other Costs/Civic Center Theater Side Restrooms (Account No. 311-9207-52842-CC0604). Recommend approval.

Moses Jackson West Wing Roof Replacement Design Services – Contract Modification No. 1 - Event No. 566 (PB0634, PB0222, PB0635). Recommend approval of Contract Modification No. 1 to Kern-Coleman in the amount of \$24,000.00. The original contract was for the design of the replacement roof on the west wing of the Moses Jackson Center.

This contract modification includes additional design work not included in the original scope of work. City staff has identified that security bars on the center's windows are tied into the roof and will have to be removed during roof construction and replaced. There is also concern that the windows are being supported by the bars and could cause window failure if removed and repairs not completed immediately. Because of this issue and the immediate need for the window replacement, staff recommends combining the roof project with the window repairs project. Kern-Coleman will be asked to design the project as one and to also include design for interior renovations of a classroom at the end of the wing. The classroom work will be completed based on availability of funds following the completion of roof and window project.

The cumulative total of the contract requires Council approval of this modification. The original contract was approved by the Council in October, 2012 for \$35,500.00. The total of all contract modifications to date including this modification is \$24,000.00 making the contract total price

\$59,500.00. The second low proposer for this RFP submitted a price of \$20,000.00 but was not recommended for award because the firm had two City projects under contract and as a small firm there was concern that an additional project would cause a delay in its completion.

Recommend approval of Contract Modification 1 to Kern-Coleman in the amount of \$24,000.00. Funds are available in the 2013 Budget, Capital Improvement Projects/Other Costs/Moses Jackson Roof Repairs, Moses Jackson West End, Moses Jackson Classrooms (Account No. 311-9207-52842- PB0634, PB0222, PB0635). Recommend approval.

Miscellaneous Water Lines – Event No. 1277. Recommend approval to procure construction services for Miscellaneous Water Lines from Potter Construction in the amount of \$1,165,675.00. The project includes the installation of approximately 1,550 linear feet of 8” water main on Lincoln Street, 1,445 linear feet of 8” water main on Daffin Drive, 900 linear feet of 16” water main on Whitfield Avenue, and 1,800 linear feet of 12” water main on Florance Street. These improvements are intended to improve fire flow and enhanced pressure delivery and water circulation by looping the system.

The Minority and Woman Business Enterprise (MWBE) goal for this project was 24%; 12% MBE and 12% WBE. The recommended bidder submitted participation of 100%, 12.01% MBE utilizing Division II Contracting and 87.99% self-performed.

Bids were received from pre-qualified bidders only.

Bids were originally received April 16, 2013. Delivery: 365 Days. Terms: Net 30 Days. The bidders were:

L.B.	Potter Construction ^(F)	\$ 1,165,675.00
	Southern Champion ^(D)	\$ 1,225,240.00
	BRW Construction ^(D)	\$ 1,391,850.50
	E & D Contracting ^(E)	\$ 1,605,914.25

Funds are available in the 2013 Budget Capital Improvement Projects/Other Costs/Miscellaneous Water Lines (Account No. 311-9207-52842-WT0622). A Pre-Bid Conference was conducted and four bidders attended. ^(D)Indicates non-local, non-minority owned business; ^(E)Indicates local, woman owned business, ^(F)Indicates non-local, woman owned business. Recommend approval.

Transportation Services for Golden Age – Annual Contract – Event No. 1198. Recommend awarding an annual contract to procure transportation services for senior citizens from JLM Services, Inc. in the amount of \$134,787.50. The services are needed to provide transportation for the elderly to various Recreation Services Golden Age programs.

Bids were received March 12, 2013. This bid was advertised, opened and reviewed. Delivery: As Needed. Terms: Net 30 Days. The bidders were:

L.B. JLM Transport Services, Inc. (A) \$ 134,787.50
MLB Transportation, Inc. (D) \$ 369,000.00

JLM Transport Services, Inc. was awarded the previous contract based on their low bid in the amount of \$135,300.00 in 2010. MLB Transportation, Inc., located in Tucker, GA, has not previously bid with the City of Savannah.

Funds are available in the 2013 Budget, Senior Citizens/Other Contractual Services (Account No. 101-6117-51295). A Pre-Bid Conference was conducted and no bidders attended. (A)Indicates local, minority owned business, (D)Indicates non-local, non-minority owned business. Recommend approval.

North Aviation Development Project – Change Order No. 4 – Savannah/Hilton Head International Airport. The Savannah Airport Commission requests approval of Change Order No. 4 with McLendon Enterprises, Inc. for the North Aviation Development (NAD) Project, in the amount of \$775,143.10. After several months of work, Airport staff and McLendon Enterprises, Inc. have reached a mutually acceptable agreement in the amount of \$775,143.10 in response to McLendon’s claim for delay time, additional pile lengths, and testing resulting from unforeseen conditions on the NAD project. This Change Order resolves the liquidated damage issues and negates the potential for any additional claims related to the areas noted above. Airport staff has been working closely with the Federal Aviation Administration throughout this process and has assurance that the amount is justifiable as part of the grant program. Recommend approval.

Coffee Bluff Marina Reconstruction (RE309) – Contract Modification No. 1 – Event No. 674. Recommend approval of Contract Modification No. 1 to Weimar Construction Company, Inc. in the amount of \$23,872.00. The original contract was for the reconstruction of the Coffee Bluff Marina.

This contract modification includes the purchase of hurricane and flood insurance to protect against potential future liabilities. Due to the unique nature of this project, along with the project being located on the water, the Owner felt that additional coverage was needed during construction.

The cumulative total of the contract requires Council approval of this modification. The original contract was \$3,941,368.00. The total of all contract modifications to date including this modification is \$23,872.00 making the contract total price \$3,965,240.00. The second low bidder was Pioneer Construction for \$5,089,500.00.

Recommend approval of Contract Modification No. 1 to Weimar Construction Company, Inc. in the amount of \$23,872.00. Funds are available in the 2013 Budget, Capital Improvement Projects/Other Costs/Bull Street Fire Station (Account No. 311-9207-52842-RE0309). Recommend approval.

Alderman Osborne asked what the increase for the modification will be used for. City Manager Cutter to Alderman Osborne it’s for insurance coverage while under construction. Alderman Osborne then asked would that not be required by the individuals completing the work. City Manager Cutter stated it was not a part of the contract that was awarded. Alderman Thomas asked if a hurricane comes and destroys the project before completion will the City get reimbursed. City Manager Cutter responded, yes. Alderman Johnson stated it makes sense we’re

getting ready to go into hurricane season in a couple of days. Alderman Sprague thanked the staff for their transparency when she requested additional information about the project the staff provided it. Upon a motion by Alderman Thomas, seconded by Alderman Shabazz and unanimously carried.

ALCOHOLIC BEVERAGE LICENSE SHOW CAUSE HEARINGS

Taco Abajo. A hearing for Robert Hauft to show cause why his liquor, beer and wine (drink) license with Sunday sales at 217 ½ W. Broughton Street, located between Jefferson and Barnard Streets in District 1, should not be suspended or revoked on grounds that the operation of the establishment has constituted a nuisance requiring an unusual amount of police and enforcement activity. Upon a motion by Alderman Bordeaux, seconded by Alderman Osborne and unanimously carried it was deferred to May 30, 2013.

Attorney Lester Johnson said the owner of Taco Abajo sent him a fax letter asking for a continuance until June 13, 2013. Mr. Johnson did advise Matthew Bush, his attorney that Council would have the discretion of placing this on its next agenda which is May 30, but he has a conflict on the 30th and would request June 13th in place of May 30th. Mayor Jackson asked for questions and Alderman Johnson said this has been a very troublesome location with a lot of different and strange things emanating from it. His concern is about the alleged criminal activity involving guns occurring there. How long should we allow this to go on without hearing the facts about what is actually going on at that location? Will someone have to really get hurt and we wish we had done it sooner. There is obviously a question of due process in terms of an attorney, but how long does this continue? Mayor Jackson asked Mr. Johnson when the notice was sent to them and was he here today. He said it was sent out last Friday and Mr. Hauft received it on Monday. Mr. Johnson spoke to Mr. Bush and advised him that Mr. Hauft could be here or not be here and he advised his client that it was not necessary for him to appear today. Alderman Osborne asked if the referral to the 13th was due to his attorney and Mr. Johnson responded yes.

Mayor Jackson said she doesn't deal with hearsay, but is this person connected to a club on Broughton Street. She received a call from one of the businesses that both of these locations are a problem and he is a partner at another location that is a possible problem as well. Judee Jones from the Revenue Department said yes he has another business directly across the street, but he does not have an alcohol license for that location. He does have an alcohol license at the Brick House which was recently approved at 514 MLK which was the Old Blowing Smoke. Alderman Bordeaux said in terms of their procedure is it normal for a person not to show up for this type of hearing or did you indicate to him that his presence was not required? Mr. Johnson stated its typical that some attend and some don't. He did advise him that he did not need to show up unless he just wanted to come and see Council's decision. Alderman Sprague asked if it was usual to wait two meetings instead of one since obviously this is a safety issue, and can it be in two weeks. Mr. Johnson said it is up to Council and they have done it both ways. Petitioners just ask for a continuance, but when an attorney is involved they usually have to schedule according to their calendar. Alderman Thomas has a concern with the latest incidence, but there have been shootings and criminal issues at other clubs without any hearings before Council. Mr. Johnson said they met with Mr. Hauft at an administrative meeting to advise him of the issues. His understanding after talking to Ms. Jones is that meetings are getting scheduled for the other

clubs so they can be brought into compliance. If these clubs do not comply, they will be brought in for a show cause hearing.

Alderman Thomas said they do need to have a show cause hearing as he stated, but what is the process for this? Mr. Johnson stated that it is done at the recommendation of the Legal Department. It was informally done by Ms. Jones and Sergeant Williams in the past, but they wanted a formal process and Mr. Johnson wanted to be there as well. They wanted the proprietor to know that he was in violation of the terms not only of the ordinance, but also of his operational plan which they submitted to the Revenue Department. This would also give them the opportunity to come into compliance before having a show cause hearing. It helps Council's deliberations when to know they were aware of it beforehand, and this is the process they are trying to implement and follow for all the establishments that are in violation of the ordinance and their operational plan. The Legal Department is recommending that they follow this until the ordinances are amended. Attorney Stillwell said the ordinance also gives the City Manager the authority to close down one of these establishments pending a show cause hearing in the event of an emergency-type situation. Mr. Stillwell said that Taco Abajo was given a warning that they would be closed down if they continued doing what they were doing, and City staff has gone to extraordinary lengths to get compliance out of this license holder. Alderman Thomas asked if he was confident that the City is consistent with enforcement of situations like this. Mr. Stillwell he is still new in his job and all cases are different, but they are going forward with the plan that Attorney Johnson laid out. Alderman Shabazz is aware that the Legal Department is in the process of making changes to the alcohol license application, but can they change it to make their appearance mandatory? Alderman Osborne asked about the shooting at Sharon's Lounge and wanted to know if this establishment would be brought in for an administrative hearing. Ms. Jones said they are in the process of contacting them. Mr. Stillwell said you can't always go by newspaper stories, but will use the process in place. Alderman Bordeaux said their issue today is to approve one of the two dates for a continuance, and Mr. Johnson stated that was correct. He also asked if Taco Abajo was located in the basement and the two meeting delay was due to a conflict with his attorney's schedule. Mr. Johnson said yes. Alderman Bordeaux said he is a practicing attorney and wants to accommodate his brother attorney, but there are issues of all types of safety so he is reluctant to extend the continuance for that period of time. Alderman Hall as if this was the same location that had a serious overcrowding issue and two officers had an altercation with some patrons and had to fight their way out? A police representative responded yes, and Alderman Hall said this should be set for the next scheduled meeting.

The following announcements were made:

Alderman Hall asked Council to acknowledge the passing of long time neighborhood activist in Thunderbolt and the City of Savannah Mrs. Willie Theresa Rodney. Prayers go out to her and her family.

Mayor Jackson thanked the City Manager, staff and everyone that participated in the Youth Summit; there were some last minute things that needed to be taken care of and the staff made sure it happened. She also thanked Alderman Johnson for his hard work. The feedback has been positive and the young lady that spoke had the youth mesmerized.

Alderman Johnson thanked Mayor Jackson for her leadership and commitment to making it a success. She wanted the event to be inclusive and many of the last minute things were done without using City funds. Mayor Jackson rallied community support and brought friends to the table.

Alderman Bell is attending a NLC/WIMG Conference out of town.

Mayor Jackson announced the Clerk of Council will be attending a conference out of town and is preparing her staff for the minutes to still go out.

Mayor Jackson also thanked the Clerk of Council for attending a meeting last week and making the Council aware of an equipment malfunction which took place and has since been taken care of. She also thanked the City Attorney for attending the same meeting and informed Council there were some recommendations made that she will gather and bring back at a later date.

There being no further business, Mayor Jackson declared this meeting of Council adjourned.

A handwritten signature in black ink, reading "Dyanne C. Reese". The signature is written in a cursive, flowing style.

Dyanne C. Reese, MMC,
Clerk of Council